

REMARKS

Applicant has modified the claims in order to overcome the Examiner's rejections under Section 112. Applicant respectfully submits that the amended claims comport with the requirements of Section 112. Accordingly, Applicant requests that the Examiner withdraw these rejections.

Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner 35 U.S.C. §§102 and 103. Applicant respectfully submits that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicants presently claimed invention. Specifically Applicant submits that the recitation of the Hayes reference does not add any support to the Examiners prior rejection, and the rejection should be withdrawn.

Applicants claimed invention is directed to an automated pharmaceutical product packaging machine comprising a plurality of arrays of pharmaceutical product dispensers, each of the arrays of dispensers feeding corresponding ones of a plurality of funnels. Additionally, for example, independent claim 1 requires a plurality of product package templates, each of the templates comprising a plurality of cavities corresponding to a plurality of product package cavities and wherein each of the templates is located under an associated funnel and a plurality of product package templates are mounted on an X-Y mechanical drive.

In initially rejecting the claims, the Examiner has asserted that the Knudsen reference discloses an automated pharmaceutical packing machine in which the products are dispensed

from array of sources into each cavity of a plurality of package cavities. As recognized by the Examiner, the Knudsen reference does not specifically disclose the pharmaceutical products being dispensed into package templates. Additionally, Applicants note that there is no teaching or suggestion regarding the mounting of the product package templates on an X-Y mechanical drive. This deficiency of the prior art has now been recognized by the Examiner.

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In further support of the Examiner's rejection, the Examiner has asserted that the Bouthiette reference discloses a packaging machine with package template cavities corresponding to cavities of a product package member. However, Applicants note that the Bouthiette reference is merely directed to a manual kit that is used to sort pills, tablets or capsules. The pill-sorting device disclosed in this reference is made of two sliding panels with hollow bottom recesses that can be used to insert the pills into the containers of the container-defining sheet. See, for example, the Abstract of this disclosure.

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It is significant to note, however, that this is merely a manual mechanism which an individual uses to manually sort out individual pills or tablets. In addition to that important distinction, the Bouthiette reference similarly as with the Knudsen reference fails to provide any teaching or suggestion whatsoever regarding the use of an X-Y mechanical drive for manipulating product package members as claimed.

Accordingly, in light of the foregoing, because this combination of reference fails to provide the requisite teaching or suggestion regarding the claimed invention, Applicants respectfully request that the Examiner now withdraw these rejections.

Additionally, the Examiner has now asserted that the Hayes, U.S. Patent No. 6,334,980 in conjunction with the Bouthiette reference 6,023,916 renders obvious the claimed subject matter. However, the Hayes reference in combination with Bouthiette, or any other reference, similarly fails to provide the requisite teaching or suggestion in order to render the claimed invention obvious or otherwise invalid.

② Hayes merely is directed to an apparatus for conducting biochemical reactions and analysis. Furthermore, Applicant notes
③ that Hayes is non-analogous art, and therefore does not properly support the Examiners rejection.

Hayes is Not a Proper Prior Art Reference.

Hayes is not even an appropriate prior art reference as it is non-analogous art in that it is directed to solving a much different problem, namely conducting biochemical reactions and analysis. It is clearly not directed to innovations in automated packaging of solid pharmaceuticals. In summary, Hayes is directed to performing biochemical analysis. It is not directed to packaging solutions and a person in the field of pharmaceutical packaging would not look to Hayes or the biochemical reaction art for packaging solutions. Accordingly, in light of the foregoing, for these reasons alone the rejections are improper. In summary, Applicant notes that the asserted combination is not proper, and would not result in the claimed subject matter.

Applicant respectfully requests the that the Examiner now withdraw all rejections and allow all claims in the application.

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Respectfully submitted,

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